

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:06CR3032
)	
Plaintiff,)	TENTATIVE FINDINGS ON
)	DEFENDANT'S SENTENCING
vs.)	STATEMENT
)	
JAIME OLIVA ABARCA,)	
)	
Defendant.)	

Neither party has made any objection to the Presentence Investigation Report. I therefore tentatively find that the report is complete, accurate and true. Objections may be made at the time of sentencing, but no evidence will be received.

The defendant has moved for a downward departure based upon U.S.S.G. § 4A1.3 for overstatement of the criminal history category. He submits that category III overstates the seriousness of his past criminal record and that a criminal history category II would be more appropriate. He asks for 15 minutes for oral argument.

The motion for downward departure will be ruled following oral argument by counsel.

Dated May 23, 2006.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge